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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,732	11/29/2001	James A. Proctor JR.	2479.1008-014	4009
27975	7590	09/21/2005		
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791				
			EXAMINER SHAND, ROBERTA A	
			ART UNIT 2665	PAPER NUMBER

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,732

Applicant(s)

PROCTOR, JAMES A.

Examiner

Roberta A. Shand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-15, 20-27 and 29-32 is/are rejected.
- 7) ☒ Claim(s) 9-11, 16-19, 28 and 33-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/23/02, 6/21/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. Claims 1 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Regarding claim 1, it is unclear as to whether “the synchronization maintenance message” on line 10 is referring to the “a synchronization maintenance message” on line 7, or the “an additional synchronization maintenance message” on line 9.
3. Regarding claim 20, it is unclear as to whether “the synchronization maintenance message” on line 13 is referring to the “a synchronization maintenance message” on line 10, or the “an additional synchronization maintenance message” on line 12.
4. Claim 14 recites the limitation "the transmitting marker". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5-7, 20 and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Shabeen (U.S. 6498790 B1).

3. Regarding claim 1, Shabeen teaches (fig. 5) a method of controlling timing of synchronization message between a subscriber access unit and a base station processor in a wireless CDMA system, comprising: providing at least one link between the subscriber and the base station processor, establishing a synchronization between the subscriber and the base station (504); transmitting a synchronization maintenance message to the base station (fig. 3C); computing a timing interval in which to send an additional synchronization maintenance message sufficient to maintain an idling mode connection between the subscriber and the bas station processor (col. 9, line 44 – col. 10, line 32).

4. Regarding claims 5 and 24, Shabeen teaches (col. 9, lines 44-65) active and inactive links and synchronization message is transmitted on the inactive links

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5. Regarding claims 6 and 25, Shabeen teaches (fig. 5) the idling mode connection maintains the synchronization between the subscriber and the base station processor.
6. Regarding claims 7 and 26, Shabeen teaches (col. 8, lines 46-64) code phase lock
7. Regarding claim 20, Shabeen teaches (fig. 5) a system for controlling timing of synchronization message between a subscriber access unit and a base station processor in a wireless CDMA system, comprising: a base station processor (fig. 1, 102); at least one subscriber unit (fig. 1, 120); a protocol converter in the base station processor operable to provide at least one link between the subscriber and the base station processor, establishing a synchronization between the subscriber and the base station (504); a synchronization maintenance message to the base station (fig. 3C); computing a timing interval in which to send an additional synchronization maintenance message sufficient to maintain an idling mode connection between the subscriber and the base station processor (col. 9, line 44 – col. 10, line 32).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
9. Claims 2-4, 8, 12, 13, 15, 21-23, 27, 29 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shabeen in view of Storm (U. S. 6016312).

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10. Regarding claims 2 and 21, Shabeen does not teach computing a timing interval containing a duration required to maintain the wireless link.

11. Storm teaches (3B) computing a timing interval containing a duration required to maintain the wireless link. It would have been obvious to one of ordinary skill in the art to adapt this to Shabeen's system to avoid data loss within the system.

12. Regarding claims 3 and 22, Storm teaches (fig. 3A) the timing interval being a timeslot

13. Regarding claims 4 and 23, Storm teaches (fig. 3A) each subscriber (radio) corresponds to one timeslot.

14. Regarding claims 8 and 27, Storm teaches (fig. 3B) determining the minimal duration for maintaining the idling mode.

15. Regarding claims 12 and 29, Storm teaches (col. 3, lines 53- col. 4, line 6) a timing marker indicative of a reference point for generating timing correction.

16. Regarding claims 13 and 30, Storm teaches (col. 3, lines 53- col. 4, line 6) the timing marker is a pilot symbol.

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17. Regarding claims 15 and 32, Storm teaches (fig. 3A) the base station processor sends a message indicative of when the next synchronization message should be sent.

18. Regarding claim 31, Storm teaches (col. 3, lines 53- col. 4, line 6) the timing marker is a short code.

Allowable Subject Matter

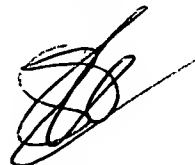
19. Claims 9-11, 16-19, 28 and 33-36 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.
2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Shand
Examiner
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A handwritten signature in black ink, appearing to be 'S. Nguyen', written over a horizontal line.

STEVEN NGUYEN
PRIMARY EXAMINER